

T.A. LOBER PATENT SERVICES

45 WALDEN STREET
CONCORD, MASSACHUSETTS 01742

PATENT REPRESENTATION BEFORE THE
U.S. PATENT & TRADEMARK OFFICE

OFFICE 978.369.2181
FACSIMILE 978.369.7101
INTERNET lober@lober-patent.com

FACSIMILE TRANSMISSION

TO Examiner Kevin V. Quinto
Art Unit 2826
COMMISSIONER FOR PATENTS
P. O. Box 1450
ALEXANDRIA, VIRGINIA 22313-1450

RECEIVED
CENTRAL FAX CENTER
APR 20 2005

FACSIMILE 703-872-9306

TELEPHONE 571 272 1920

DATE 20 April 2005

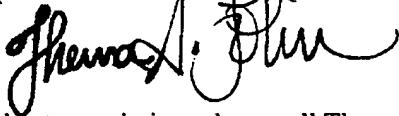
FROM Theresa A. Lober

PAGES 3
including this

RE: Application No. : 10/612,174
Confirmation No.: 5221
Applicants: Reich et al.
Filed: July 2, 2003
Docket No.: MIT8806L

MESSAGE

Please deliver this correspondence to Examiner Quinto.
Thank you for your help.



If there is a problem with this transmission, please call Theresa Lober at 978 369 2181.

This facsimile transmission may contain confidential information that is protected by agent/client privilege. The information is intended for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you receive this transmission in error, please immediately notify the sender by telephone to arrange for the return of the documents.

Application No. 10/612,174
Response Dated April 20, 2005
Reply to Examiner's Action of January 27, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/612,174 Confirmation No.: 5221

Applicants: Robert K. Reich et al.

RECEIVED
CENTRAL FAX CENTER

Filed: July 2, 2003

APR 20 2005

TC/A.U.: 2826

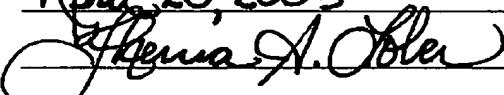
Examiner: K. Quinto

Docket No.: MIT8806L

For: High-Speed, High-Sensitivity
Charge-Coupled Device

**COMMISSIONER FOR PATENTS
P. O. Box 1450
ALEXANDRIA, VIRGINIA 22313-1450**

I hereby certify that this correspondence is
being sent by facsimile on the date shown below
to facsimile number: 703-872-9306, the direct
facsimile number for group 2826.

April 20, 2005


RESPONSE

This is in response to the Examiner's Action mailed January 27, 2005.
This response is made within the three month statutory period for reply.

Immediately upon receipt of the Examiner's Action, the undersigned Agent called the Examiner to discuss the Action and conduct a brief telephone interview. The Examiner is thanked for that discussion. The substance of the interview discussion is herein summarized.

The claims were rejected under 35 U.S.C. §102(e) as being anticipated by Reich et al., "High-Fill-Factor, Burst-Frame-Rate Charge-coupled Device," *International Electron Device Meeting and IEDM Technical Digest*, pp. 567-570, December 2001.

Page 1 of 2

Application No. 10/612,174
Response Dated April 20, 2005
Reply to Examiner's Action of January 27, 2005

35 U.S.C. §102(e) requires that a prior art reference cited against a patent application itself be an application for patent or be a previously granted patent. But the Reich reference cited by the Examiner is a journal publication, not an application for patent or a previously granted patent. The Applicants therefore respectfully submit that this claim rejection is improper.

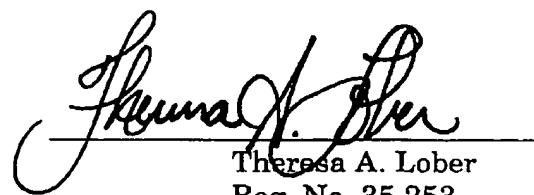
In the telephone interview, the Examiner agreed that the 35 U.S.C. §102(e) rejection of the claims was improper and indicated that he would issue a new Examiner's Action. The Applicants have not to date received a new Action and therefore request that the Examiner withdraw this rejection of the claims.

The undersigned Agent further noted in the telephone interview that on sheet 1 of the Applicants' Information Disclosure Statement, Item L was not initialed by the Examiner. Attached is sheet 1 of the IDS indicating the lack of initialing for Item L. The Examiner is requested to consider Item L and once considered, initial sheet 1 and provide a copy of the signed sheet 1 to the undersigned Agent.

If the Examiner has any questions or would like to discuss the instant application, he is encouraged to telephone the undersigned Agent at his convenience.

Respectfully submitted,

Date: April 20, 2005
T.A. Lober Patent Services
45 Walden Street
Concord, MA 01742
Telephone 978.369.2181 / Facsimile 978.369.7101



Theresa A. Lober
Reg. No. 35,253
Agent for Applicants